IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

THURSDAY, THE 20TH SEPTEMBER 2007 / 29TH BHADRA 1929

**WP(C).No. 28035 of 2007(K)**

**PETITIONER:**

B.A.MUSTAFA,
JUNIOR SUPERINTENDENT,
L.S.G.D.DIVISION, KOZHIKODE.

BY ADV. DR.K.P.SATHEESAN
SRI.K.K.GOPINATHAN NAIR
SRI.M.R.JAYAPRASAD
SRI.P.MOHANDAS (ERNAKULAM)

**RESPONDENTS:**

1. STATE OF KERALA, REPRESENTED BY
THE PRINCIPAL SECRETARY,
PUBLIC WORKS DEPARTMENT,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE SECRETARY,
LOCAL SELF GOVERNMENT DEPARTMENT,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.

3. THE CHIEF ENGINEER,
P.W.D. ADMINISTRATION,
THIRUVANANTHAPURAM.

4. THE CHIEF ENGINEER,
LOCAL SELF GOVERNMENT DEPARTMENT,
THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI.BEJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 20/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

# V.GIRI, J.

**W.P.(C).No.28035 of 2007 K**

**Dated this the 20th day of September, 2007.**

## JUDGMENT

Aggrieved by the order of deployment passed by the 3rd respondent, the Chief Engineer of the Public Works Department, as per Ext.P8 dated 8.3.2007, the petitioner has approached the Government vide Ext.P11.

2. Learned counsel for the petitioner Dr.K.P.Satheesan points out that there is a challenge against Ext.P8 on the ground that only the Government can pass orders deploying a Government servant working in a Department to the Local self-Government Department. This aspect has also been highlighted in Ext.P11.

3. I heard learned Government Pleader appearing for the respondents.

4. In the circumstances, the first respondent shall take a decision on Ext.P11 within a period of four weeks from the date of receipt of a copy of this judgment. The first respondent shall also consider the question of jurisdiction with respect to Ext.P8 with reference to Ext.P1

Notification and any other order the Government might have passed in this regard at the time of disposal of Ext.P11.

Writ petition is disposed of as above.

Sd/-
**(V.GIRI)**
**JUDGE**

sk/

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P.S. To Judge